

GORDON P. ERSPAMER (CA SBN 83364)
JAMES M. SCHURZ (CA SBN 145874)
REBECCA SNAVELY SAELAO (CA SBN 222731)
DEREK F. FORAN (CA SBN 224569)
MORRISON & FOERSTER LLP
101 Ygnacio Valley Road, Suite 450
P.O. Box 8130
Walnut Creek, California 94596-8130
Telephone: (925) 295-3300

Attorneys for Plaintiffs
CALPINE CORPORATION and CALPINE CONSTRUCTION
FINANCE COMPANY, L.P.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CALPINE CORPORATION, a Delaware
Corporation, and CALPINE CONSTRUCTION
FINANCE COMPANY, L.P., a Delaware Limited
Liability Partnership,

Plaintiffs,

v.

WESTERN AREA POWER ADMINISTRATION,
an Agency of the United States Department of
Energy; MICHAEL S. HACSKAYLO, in his capacity
as Administrator of the Western Area Power
Administration; SAMUEL WRIGHT BODMAN, in
his capacity as Secretary of Energy of the United
States, acting by and through the Western Area Power
Administration; THE UNITED STATES
DEPARTMENT OF ENERGY, acting by and
through the Western Area Power Administration; the
UNITED STATES of AMERICA, acting by and
through the Western Area Power Administration,

Defendants.

Case No. C05-02241-SI

**STIPULATION OF DISMISSAL
WITH PREJUDICE**

1 **IT IS HEREBY STIPULATED** by and between the parties to this action, by and through
2 their respective counsel, that the entirety of the above-entitled action including all claims embodied in
3 Calpine Corporation, and Calpine Construction Finance Company, L.P.'s complaint filed June 2,
4 2005, be and hereby are dismissed with prejudice under Federal Rules of Civil Procedure 41(a)(1).
5 The parties each shall bear their own attorneys' fees and costs of the above-entitled action.

6
7 Dated: December 15, 2005

GORDON P. ERSPAMER
JAMES M. SCHURZ
REBECCA SNAVELY SAELAO
DEREK F. FORAN
MORRISON & FOERSTER LLP

9
10 By: _____

Gordon P. Erspamer
Attorneys for Plaintiffs
Calpine Corporation, and Calpine Construction
Finance Company, L.P.

11
12
13
14 Dated: December 15, 2005

KEVIN V. RYAN
UNITED STATES ATTORNEY

15
16 By:: _____

Katherine B. Dowling
Assistant United States Attorney
Attorneys for Defendants

